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BODY ART FACILITY AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Ashlee Matthews
Senate Sponsor: Karen Kwan

LONG TITLE

General Description:

This bill enacts provisions related to body art facilities.

Highlighted Provisions:

This bill:

- defines terms;
- requires the Department of Health and Human Services to promulgate minimum rules of sanitation for body art facilities; and
- makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

- 26B-7-401**, as renumbered and amended by Laws of Utah 2023, Chapter 308
 - 26B-7-402**, as renumbered and amended by Laws of Utah 2023, Chapter 308
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Be it enacted by the Legislature of the state of Utah:

Section 1. Section **26B-7-401** is amended to read:

26B-7-401 . Definitions.

As used in this part:

- (1) "Agricultural tourism activity" means the same as that term is defined in Section 78B-4-512.
- (2) "Agritourism" means the same as that term is defined in Section 78B-4-512.
- (3) "Agritourism food establishment" means a non-commercial kitchen facility where food

- 29 is handled, stored, or prepared to be offered for sale on a farm in connection with an
30 agricultural tourism activity.
- 31 (4) "Agritourism food establishment permit" means a permit issued by a local health
32 department to the operator for the purpose of operating an agritourism food
33 establishment.
- 34 (5) "Back country food service establishment" means a federal or state licensed back
35 country guiding or outfitting business that:
- 36 (a) provides food services; and
37 (b) meets department recognized federal or state food service safety regulations for food
38 handlers.
- 39 (6) "Body art facility" means a facility where an individual practices or instructs:
- 40 (a) body piercing;
41 (b) branding;
42 (c) permanent cosmetics;
43 (d) scarification; or
44 (e) tattooing.
- 45 (7) (a) "Body piercing" means any method of piercing the skin or mucosa to place
46 jewelry through the skin or mucosa.
47 (b) "Body piercing" does not include ear piercing.
- 48 (8) "Branding" means the process in which a mark is burned, with or without heated metal,
49 into human tissue with the intention of leaving a permanent mark.
- 50 [(6)] (9) "Certified food safety manager" means a manager of a food service establishment
51 who:
- 52 (a) passes successfully a department-approved examination;
53 (b) successfully completes, every three years, renewal requirements established by
54 department rule consistent with original certification requirements; and
55 (c) submits to the appropriate local health department the documentation required by
56 Section 26B-7-412.
- 57 (10) "Ear piercing" means the puncturing of the lobe of the ear with piercing equipment to
58 insert stud-and-clasp jewelry according to the directions provided by the piercing
59 equipment's manufacturer.
- 60 [(7)] (11) "Farm" means a working farm, ranch, or other commercial agricultural,
61 aquacultural, horticultural, or forestry operation.
- 62 [(8)] (12) "Food" means:

- 63 (a) a raw, cooked, or processed edible substance, ice, nonalcoholic beverage, or
64 ingredient used or intended for use or for sale, in whole or in part, for human
65 consumption; or
- 66 (b) chewing gum.
- 67 ~~[(9)]~~ (13) "Food service establishment" means any place or area within a business or
68 organization where potentially hazardous foods, as defined by the department under
69 Section 26B-7-410, are prepared and intended for individual portion service and
70 consumption by the general public, whether the consumption is on or off the premises,
71 and whether or not a fee is charged for the food.
- 72 (14) "Microblading" means a procedure where a hand tool with a blade formed of tiny
73 needles implants permanent or semi-permanent pigment, resembling hair, into the skin
74 of the eyebrow area with fine and short strokes.
- 75 ~~[(10)]~~ (15) (a) "Microenterprise home kitchen" means a non-commercial kitchen facility
76 located in a private home and operated by a resident of the home where ready-to-eat
77 food is handled, stored, prepared, or offered for sale.
- 78 (b) "Microenterprise home kitchen" does not include:
- 79 (i) a catering operation;
- 80 (ii) a cottage food operation;
- 81 (iii) a food truck;
- 82 (iv) an agritourism food establishment;
- 83 (v) a bed and breakfast; or
- 84 (vi) a residence-based group care facility.
- 85 ~~[(11)]~~ (16) "Microenterprise home kitchen permit" means a permit issued by a local health
86 department to the operator for the purpose of operating a microenterprise home kitchen.
- 87 (17) (a) "Permanent cosmetics" means a permanent or semi-permanent tattoo:
- 88 (i) to the eyebrows, eyelids, lips, or other parts of the body for beauty marks, hair
89 imitation, lash enhancement, or areola repigmentation; and
- 90 (ii) performed by an individual not licensed under Title 58, Chapter 67, Utah Medical
91 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
- 92 (b) "Permanent cosmetics" includes permanent makeup, micropigmentation,
93 micropigment implantation, microblading, dermagraphics, or cosmetic tattooing.
- 94 ~~[(12)]~~ (18) "Ready-to-eat" means:
- 95 (a) raw animal food that is cooked;
- 96 (b) raw fruits and vegetables that are washed;

- 97 (c) fruits and vegetables that are cooked for hot holding;
- 98 (d) a time or temperature control food that is cooked to the temperature and time
- 99 required for the specific food in accordance with rules made by the department in
- 100 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act; or
- 101 (e) a bakery item for which further cooking is not required for food safety.

102 (19) "Scarification" means the process in which a mark is cut into human skin tissue with

103 the intent of leaving a permanent mark.

104 [(13)] (20) "Time or temperature control food" means food that requires time or temperature

105 controls for safety to limit pathogenic microorganism growth or toxin formation.

106 Section 2. Section **26B-7-402** is amended to read:

107 **26B-7-402 . Minimum rules of sanitation established by department.**

108 The department shall establish and enforce, or provide for the enforcement of

109 minimum rules of sanitation necessary to protect the public health~~[-Such rules shall~~

110 ~~include, but not be limited to,]~~ , including rules necessary for the design, construction,

111 operation, maintenance, or expansion of:

- 112 (1) ~~[restaurants and all places]~~ a restaurant or a place where food or drink is handled, sold,
- 113 or served to the public;
- 114 (2) a public swimming [pools] pool;
- 115 (3) a public [baths including saunas, spas, massage parlors, and suntan parlors] bath,
- 116 including a sauna, spa, or massage facility;
- 117 (4) a public bathing [beaches] beach;
- 118 (5) ~~[schools which are publicly or privately owned or operated]~~ a public or private school;
- 119 (6) a recreational [resorts, camps, and vehicle parks] resort, camp, or other vehicle park;
- 120 (7) an amusement [parks and all other centers and places] park or other center or place used
- 121 for public gatherings;
- 122 (8) a mobile home [parks and] park and highway rest [stops] stop;
- 123 (9) a construction or labor [camps] camp;
- 124 (10) ~~[jails, prisons and other places]~~ a jail, prison, or other place of incarceration or
- 125 confinement;
- 126 (11) ~~[hotels and motels]~~ a hotel or motel;
- 127 (12) ~~[lodging houses and boarding houses]~~ a lodging house or boarding house;
- 128 (13) ~~[service stations]~~ a service station;
- 129 (14) ~~[barbershops and beauty shops]~~ a barber shop or beauty shop, including a facility in
- 130 which one or more individuals are engaged in:

- 131 (a) any of the practices licensed under Title 58, Chapter 11a, Cosmetology and
132 Associated Professions Licensing Act; or
133 (b) styling hair in accordance with the exemption from licensure described in Section
134 58-11a-304(13);
135 (15) ~~[physician and dentist offices]~~ a physician or dentist office;
136 (16) ~~[public buildings and grounds]~~ a public building or ground;
137 (17) ~~[public conveyances and terminals; and]~~ a public conveyance or terminal;
138 (18) a commercial tanning [facilities.] facility; and
139 (19) a body art facility.
140 Section 3. **Effective date.**
141 This bill takes effect on May 1, 2024.